

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

IN RE: REQUEST FOR CERTIFICATION
SUNEDISON PUERTO RICO, LLC.

CASE NO.: CEPR-CT-2016-0014

SUBJECT: 2025 Operational Report filing and Confidentiality Request; Filing fee waiver request; and Order for the submission of the Fiscal Year 2024 Financial Statements.

RESOLUTION AND ORDER

I. Introduction

On March 31, 2025, SunEdison Puerto Rico, LLC ("SunEdison") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Motion to Request Confidential Treatment of 2025 Operational Report and Annexes* ("March 31 Motion"), accompanied by the following:

1. Redacted and Unredacted versions of the March 31 Motion, including redacted and unredacted *Operational Report for Electric Power Companies* (Form NEPR-B03) and annexes.¹

In the March 31 Motion, SunEdison requested that the unredacted Form NEPR-B03 and annexes be granted confidential treatment. SunEdison submitted both redacted and unredacted versions of the Form NEPR-B03 and its annexes in compliance with: (i) Section 6.15 of Act 57-2014²; (ii) Section 1.15 of Regulation 8701³; and (iii) *In Re: Policy on Management of Confidential Information in Procedures before the Commission*, Case No.: CEPR-MI-2016-0009, Resolution and Order issued on August 31, 2016 ("Confidential Treatment Resolution").

In the March 31 Motion, SunEdison requested that it be waived from payment of the \$800 filing fee of the Operational Report, claiming that their system is not yet in operation nor generating revenues, in which case the payment of the fee would be onerous.

For companies whose Fiscal Year runs from January 1 to December 31, such as SunEdison, the due date for filing its financial statements for Fiscal Year 2024 was April 30, 2025.

As of the date of this Resolution and Order, SunEdison has not filed the financial statements for Fiscal Year 2024.

II. Applicable Laws and Regulations

A. Operational Report and Filing Fee

Section 2.02 of Regulation 8701 requires that all electric service companies must submit an Operational Report with the frequency corresponding to their classification⁴. The required

¹ As a Distributed Generator with aggregated capacity of one (1) MW or more as established in Section 2.02(A)(1) of Regulation 8701.

² Known as the *Puerto Rico Energy Transformation and RELIEF Act*, ("Act 57-2014, as amended").

³ *Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, February 17, 2016, as amended by Regulation No. 9182 ("Regulation 8701"), *Amendment to Regulation No. 8701, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, June 24, 2020 ("Regulation 9182").

⁴ Each year for companies defined in Section 2.02(A)(1) and (A)(2). Each three (3) years for companies defined in Section 2.02(A)(4), (A)(3) and (2(A)(5).



format for such reports is the *Operational Report for Electric Power Companies* (Form NEPR-B03), as established by the Energy Bureau.

In addition, Section 2.03(A)(2) of Regulation 8701 mandates that all electric service companies submitting an operational report must pay the applicable fee.

Section 2.03(B) of Regulation 8701 requires that a company that believes that the payment of the operational report filing fee would be onerous must file a motion wherein it sets forth the facts and explains the legal basis that justifies the requested waiver.

B. Request for Information and Credentials of Contracted Entity

Under Section 2.02 of Regulation 8701, companies must report if any part of their system's operation is contracted to a third party. In cases where all or part of the system's operation is to be contracted out to another entity, the company must provide the name, contact information, and credentials of the entity to be contracted.

Operational Report for Electric Power Companies (Form NEPR-B03) requires disclosure of:

- The name and contact information of the contracted entity; and
- Evidence of the entity's credentials and operational capacity.

These credentials must include:

1. Proof of legal personality to operate in Puerto Rico, including:

- Name, legal structure (e.g., LLC, corporation), jurisdiction and country of organization.
- Certificate of incorporation and registration.
- Certificate of good standing issued by the Puerto Rico Department of State (dated within three months of submission).
- If a foreign entity, certificate of authorization to do business in Puerto Rico.
- Any additional information required by the Energy Bureau or its forms.

2. Evidence of capacity to operate the contracted services, including:

- Summary of operational personnel.
- Their technical qualifications and licenses.

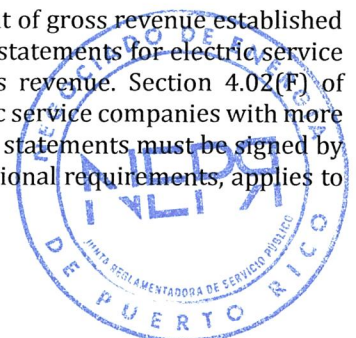
C. Financial Statements

Section 4.02 (E) and (F) of Regulation 8701 establishes that electric service companies must submit their financial statements within one hundred and twenty (120) days after the end of their Fiscal Year. The financial statements must be certified by an Authorized Public Accountant (CPA) authorized to practice said profession in Puerto Rico, or in any jurisdiction of the United States of America.⁵

III. Conclusion

Upon reviewing the *Operational Report for Electric Power Companies* (Form NEPR-B03) submitted by SunEdison the Energy Bureau **TAKES NOTICE** of the information presented and **GRANTS** the requested waiver of the operational report filing fee under the facts and legal basis set forth in the March 31 Motion.

⁵ The financial statements must be audited or compiled according to the amount of gross revenue established in Regulation 8701, as amended. Section 4.02(E) requires compiled financial statements for electric service companies with three million dollars (\$3,000,000) or less in annual gross revenue. Section 4.02(F) of Regulation 8701, as amended, requires audited financial statements for electric service companies with more than three million dollars (\$3,000,000) in annual gross revenue. The financial statements must be signed by the CPA to attest the authority of the certification. Section 4.02(G), with additional requirements, applies to the Puerto Rico Energy Power Authority (PREPA).



The Energy Bureau **GRANTS** confidential designation and treatment to the unredacted March 31 Motion and the attached unredacted *Operational Report for Electric Power Companies* (Form NEPR-B03) and its annexes, pursuant to Act 57-2014 and Regulation 8701. The Energy Bureau **DETERMINES** SunEdison **COMPLIED** with Section 2.02 by filing its Form NEPR-B03.

In its Operational Report, SunEdison provided the name and contact information of a system operation contractor. Nonetheless, SunEdison did not provide the required credentials of such entity.

These credentials, analogous from those required by Regulation 8701 from all electric service companies, must include the following documents:

1. Proof of legal personality to operate in Puerto Rico, including:

- Name, legal structure (*e.g.*, LLC, corporation), jurisdiction and country of organization;
- Certificate of incorporation and registration;
- Certificate of good standing issued by the Puerto Rico Department of State (dated within three months of submission);
- If a foreign entity, certificate of authorization to do business in Puerto Rico; and
- Any additional information required by the Energy Bureau or its forms.

2. Evidence of capacity to operate the contracted services, including:

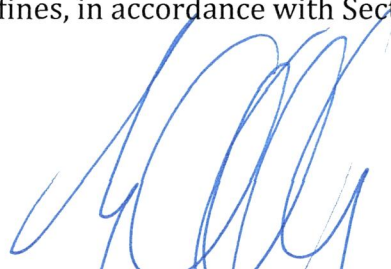
- Summary of operational personnel;
- Their technical qualifications and licenses.

Furthermore, the Energy Bureau **ORDERS** SunEdison to describe what services, equipment, and systems the contracted entity will operate.

The Energy Bureau **ORDERS** SunEdison to **within fifteen (15) days** from the notification of this Resolution and Order to; (i) submit the credentials of the entity contracted to operate its system, as required under Section 2.02 (A)(1)(d) of Regulation 8701 and detailed above, and (ii) submit its Financial Statements for Fiscal Year 2024, which were due April 30, 2025.

The Energy Bureau **WARNS** SunEdison that non-compliance with this Resolution and Order will result in the imposition of fines, in accordance with Section 6.36 of Act 57-2014.

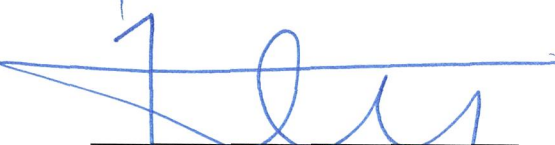
Be it notified and published.



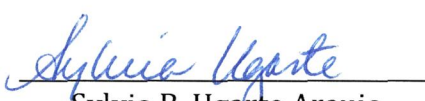
Edison Avilés Deliz
Chairman



Lillian Mateo Santos
Associate Commissioner



Ferdinand A. Ramos Soegaard
Associate Commissioner



Sylvia B. Ugarte Araujo
Associate Commissioner



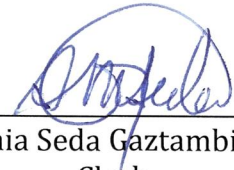
Antonio Torres Miranda
Associate Commissioner



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau agreed on June 25, 2025. Also certify that on June 26, 2025, I have proceeded with the filing of this Resolution and was notified by email to: mqs@mcvpr.com; DGovert@ecofininvest.com and cfl@mcvpr.com.

I sign this in San Juan, Puerto Rico, today, June 26, 2025.



Sonia Seda Gaztambide
Clerk

